

**INITIAL EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION

REGARDING PROPOSED CHANGES TO
THE CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

LEGEND FOR EXPRESS TERMS

1. New California amendments: All such language appears underlined and in italics.
2. Repealed text: All such language appears in ~~strikeout~~.

INITIAL EXPRESS TERMS

ITEM 1. CBSC proposes to amend the abbreviations for clarity; deleting unnecessary duplication and abbreviations that are no longer referenced.

**CHAPTER 1
ADMINISTRATIVE REGULATIONS OF THE CALIFORNIA BUILDING
STANDARDS COMMISSION**

**ARTICLE 1
GENERAL**

1-101. Abbreviations. The following abbreviations shall apply to Title 24, California Code of Regulations. Abbreviations may also be provided in each of the other 12 parts of Title 24. ~~Whenever~~ If an abbreviation ~~provided~~ in this section conflicts with an abbreviation ~~provided~~ within another part of Title 24, the abbreviation ~~reference meaning provided~~ in the other part shall prevail within that part.

Note: For information regarding the code provisions adopted for a state agency and the application of such code provisions, see the agency administrative chapters in the appropriate Parts of Title 24, California Code of Regulations.

AGR	Department of Food and Agriculture (see Note)
BSC	Identifies code provisions by the Building Standards Commission (see Note)
<u>BSC-CG</u>	<u>Identifies the California Green Building Standards Code (CALGreen) provisions by BSC</u>
BSCC	Identifies code provisions by the Board of State and Community Corrections (see Note)
CA	Department of Consumer Affairs (see Note)
<u>CALGreen</u>	<u>California Green Building Standards Code (CALGreen), Part 11 of Title 24</u>

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CBC	<i>California Building Code</i> (Part 2 of Title 24)
CCR	California Code of Regulations
CEBC	<i>California Existing Building Code</i> (Part 10 of Title 24)
CEC	California Energy Commission (see Note)
CCBSC	California Green Building Standards Code (Part 11 of Title 24) also known as CALGreen (see Note)
CHBC	<i>California Historical Building Code</i> (Part 8 of Title 24)
CMC	<i>California Mechanical Code</i> (Part 4 of Title 24)
CPC	<i>California Plumbing Code</i> (Part 5 of Title 24)
CRC	<i>California Residential Code</i> (Part 2.5 of Title 24)
CRSC	<i>California Referenced Standards Code</i> (Part 12 of Title 24)
DPH	Identifies code provisions by the Department of Public Health (see Note)
DWR	Identifies code provisions by the Department of Water Resources (see Note)
DSA	Division of the State Architect, a division within the Department of General Services
DSA-SS	Identifies code provisions by the Division of the State Architect-Structural Safety (see Note)
DSA-SS/CC	Identifies provisions by the Division of the State Architect-Structural Safety, applicable to community colleges <u>Community Colleges</u> as specified.
DSA-AC	Identifies code provisions by the Division of the State Architect-Access Compliance (see Note)
DOE	Department of Education
DOT	Department of Transportation
HCD	Housing and Community Development
HCD 1	Identifies code provisions by HCD (see Note)
HCD 2	Identifies code provisions by HCD (see Note)
HCD 1 AC	Identifies <u>Housing Accessibility</u> code provisions by HCD (see Note)
IBC	<i>International Building Code</i> ®
IFC	<i>International Fire Code</i> ®

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IEBC	<i>International Existing Building Code®</i>
IRC	<i>International Residential Code®</i>
NEC	<i>National Electrical Code®</i>
NFPA	National Fire Protection Association
OHP	Office of Historical Preservation
OSHPD	Office of Statewide Health Planning & <u>and</u> Development
OSHPD 1	Identifies code provisions by OSHPD (see Note)
OSHPD 2	Identifies code provisions by OSHPD (see Note)
OSHPD 3	Identifies code provisions by OSHPD (see Note)
OSHPD 4	Identifies code provisions by OSHPD (see Note)
SFM	Identifies code provisions by Office of the State Fire Marshal (see Note)
SHSB	Identifies code provisions by State Historical Building Safety Board (see Note)
SL	Identifies code provisions by the State Library (see Note)
SLC	Identifies code provisions by the State Lands Commission (see Note)
UBC™	Uniform Building Code; the UBC is no longer published or adopted in the current edition of Title 24.
UBC STDS	Uniform Building Code Standards; the UBC STDS is no longer published, but relevant standards are referenced in the CEBC.
UFC	Uniform Fire Code; the UFC is no longer published or adopted in the current edition of Title 24
UHC	Uniform Housing Code; adopted by HCD in Chapter 1 of Title 25.
UMC	<i>Uniform Mechanical Code®</i>
UPC	<i>Uniform Plumbing Code®</i>

~~Note: For information regarding the code provisions adopted by this state agency and the application of such adoptions, see the state agency administrative chapters in the various parts of Title 24, California Code of Regulations.~~

Authority: Government Code Section 11000, and Health and Safety Code Section 18931(f) and 18940.5.
Reference: Government Code Section 11000, and Health and Safety Code Sections 18931(f) and 18940.5

ITEM 2. CBSC proposes to amend 1-103 Definitions for clarity.

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1-103. Definitions. The following definitions shall apply to this Chapter 1, of Part 1, of Title 24, California Code of Regulations. Definitions may also be provided in each of the other 12 parts of Title 24. ~~Whenever~~ If a definition ~~provided~~ in this section conflicts with a definition ~~provided~~ within another part of Title 24, the definition reference ~~meaning provided~~ in the other part shall prevail within that part.

ITEM 3. CBSC proposes to repeal Sections 1-205, Conflict of interest disclosure, and 1-207, Disclosure categories. In accordance with the last Governor's reorganization, CBSC is now a commission within the Department of General Services and will have its designated conflict of interest positions and numbered disclosure categories included within Title 2, California Code of Regulations, Section 1194.

**ARTICLE 2
DUTIES AND RESPONSIBILITIES OF THE BUILDING STANDARDS COMMISSION,
THE EXECUTIVE DIRECTOR, COMMISSION PERSONNEL AND RESOURCES**

1-201. Duties.

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1-203. Development of standards.

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~~1-205. Conflict of interest disclosure.~~

- ~~(a) The Political Reform Act, specifically Government Code Section 87306, requires state and local governmental agencies to promulgate and adopt Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, containing the terms of standard Conflict of Interest Code, that can be incorporated by reference, and that may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2, California Code of Regulations, Section 18730, and amendments thereto, duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Building Standards Commission.~~

~~Designated employees shall file statements of economic interest with the Commission. Upon receipt of the statements of the Commission members, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Statements of other designated employees are retained by the agency; no copies are forwarded to the Fair Political Practices Commission.~~

(b) ~~Designated Employee and Disclosure Category~~

DESIGNATED POSITIONS	DISCLOSURE CATEGORY
Chair of the Commission	1
Commissioners	1
Executive Director	1
Deputy Executive Director	1
Staff Services Manager 1	2, 3
Senior Architect	1
Associate Architect	1
Architectural Associate	1
Codes and Standards Administrator III	1
Associate Construction Analyst	1
Associate Governmental Program Analyst	3
Contracts Analyst (Administrative Staff Service Analyst	2
Consultants	*

~~*Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this conflict-of-interest code subject to the following limitation:~~

~~The Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for 4 public inspection in the same manner and location as this conflict-of-interest code.~~

1-207. Disclosure categories.

(a) ~~Disclosure Category 1:~~

~~Individuals holding positions assigned to Disclosure Category 1 must report interests in real property located with the State of California; all investments and business positions in business entities, and income, including gifts, loans and travel payments, from all sources.~~

(b) ~~Disclosure Category 2:~~

~~Individuals holding positions assigned to Disclosure Category 2 must report investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to adhere to architectural and structural construction and building standards reviewed and approved by Commission.~~

(c) ~~Disclosure Category 3:~~

~~Individuals holding positions assigned to Disclosure Category 3 must report investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type to provide services and goods used by the Commission.~~

ITEM 4. CBSC proposes to amend 1-209 Code Advisory Committees to allow for an electrical engineer or electrical inspector within specific committees, and to clarify the requirements of a Building Official.

1-209. Code advisory committees.

1. Accessibility. . . .

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2. Plumbing, electrical, mechanical and energy. . . .

A. Ex-Officio Member(s) . . .

B. Voting Member(s) . . .

(1) Local Government Building Official' . . .

. . .

(9) Electrical Engineer or Electrical Inspector

3. Building, fire and other. . . .

. . .

4. Structural design/lateral forces. . . .

. . .

5. Health facilities. . . .

A. Ex-Officio Member(s) . . .

B. Voting Member(s) . . .

(1) Acute Care Hospital Representative

(6) Electrical Engineer or Electrical Inspector

. . .

6. Green Building. . . .

A. Ex-Officio Member(s) . . .

B. Voting Member(s)

(1) Residential Construction Industry representative . . .

. . .

(9) Electrical Engineer, Electrical Inspector or Energy/Building Performance Specialist

~~¹May be a consultant dedicated to full time building official service for a single city, county or city and county authorized to represent the local agency (Footnote shall apply to each Local Government Building Official position on every committee).~~

¹The Local Government Building Official position may be filled by a consultant authorized to represent the local agency providing the consultant serves in the official capacity of a full-time building official for a single city, county or city and county local government. (Footnote shall apply to each Local Government Building Official position on every committee).

ITEM 5. CBSC proposes to amend Article 4 with the addition of Section 1-404 State agency participation in accordance with HSC §18930.5 (AB 341 requirements).

**ARTICLE 4
RULEMAKING FOR THE ADOPTION OF BUILDING
STANDARDS BY PROPOSING AGENCIES**

1-401. Purpose.

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1-403. Public participation.

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1-404. State agency participation. The commission and other state agencies that propose green building standards shall allow for input by other state agencies that have expertise in green building subject areas but do not have the statutory authority to propose green building standards. The process for making recommended changes to proposing state agencies shall align with an 18-month code adoption cycle (triennial or intervening) and the proposing state agency's rulemaking schedule as follows:

1-404.1. Timing for submittal. The timing for receipt of recommended changes shall be determined by the state agency that has statutory authority to propose green building standards for a specific occupancy. Pursuant to 1-403(b), prior to commencing the development of proposed building standards, proposing state agencies shall notify all interested parties that building standards are to be developed, and solicit suggestions and a means for participation.

1-404.2. Mandatory or voluntary. The state agency recommending changes shall specify whether the recommended changes are intended to be mandatory or voluntary green building standards, and shall indicate, to the extent possible, if a recommended voluntary green building measure should be considered for possible adoption as a mandatory measure within the two subsequent adoption cycles. The proposing state agency shall determine if a recommended green building standard will be proposed as a mandatory or voluntary measure.

1-404.3. Submittal documents. Submittal documents shall be submitted as a complete package and shall include, but are not limited to, all of the following:

- (a) Recommended regulatory text for new green building standards or revisions to existing green building standards, in strikeout/underline format;
- (b) Rationale that clearly explains the specific purpose and the need for the changes including the basis for recommending that the items be considered for adoption as mandatory or voluntary green building standards;
- (c) Fiscal and economic analysis and supporting documentation in a format specified by the proposing state agency, which shall include the cost of compliance;

- (d) Verifiable and appropriate technical analysis, data or other information in support of the recommended changes including information on product availability. Data or information shall include, but is not limited to, copies of reports, findings, data relied upon or other materials and analyses;
- (e) Certification by the state agency suggesting the recommended changes that the content of the aforementioned submittal documents are true and accurate; and
- (f) Any additional information as requested by the proposing state agency.

1-404.4. Availability to the public. The proposing state agency, in complying with the provisions of Section 1-403 and having determined to propose the recommended changes as building standards, shall make the proposals available to interested groups, persons expressing interest, and the public pursuant to Health and Safety Code §§11346.45 and 11347.1.

1-404.5. State agency may decline to proceed. The proposing state agency may decline to proceed with recommended changes from the suggesting state agency with expertise in green building subject areas due to any of, including but not limited to, the following circumstances:

- (a) Recommended changes conflict with the proposing state agency's mission, stated goals and/or other mission critical program requirements;
- (b) The suggesting state agency has failed to provide the submittal documents as required;
- (c) The suggesting state agency provides data, analysis or information that is flawed or otherwise determined by the proposing state agency to be unusable in-whole or in-part;
- (d) The suggesting state agency fails to provide a complete package of submittal documents within the timeframe directed by the proposing state agency in order to appropriately advance the suggested changes during the subject rulemaking cycle; and
- (e) Any other reason as determined by the proposing state agency.

1-404.6 Rulemaking participation. When the proposing state agency determines that it will accept and advance a recommended change submitted by a state agency with expertise in green building subject areas, during a rulemaking code adoption cycle, the state agency that submitted the recommended change shall be notified in writing of the acceptance within 30 days of receipt of the submittal documents.

The written notification of receipt of submittal documents shall identify any assistance the proposing state agency may require from the suggesting state agency during the rulemaking process. This may include, but is not limited to contributions and participation in pre-cycle workshops or focus group meetings, development of proposed express terms and statement of reasons, providing research or documentation needed to support the suggested changes and comply with the requirements of the initial statement of reasons, and the State of California Department of Finance Economic and Fiscal Impact Statement (Std. 399), code advisory committee presentations, and/or presenting the proposed code change before the commission. The proposing state agency may request other documentation as necessary to comply with the rulemaking process.

Authority: Health and Safety Code Sections 18929.1, 18930.5 and 18934.

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1, 18930.5 and 18934.

ITEM 6: The commission proposes to add Section 1-509, Request for refund of fees, relative to the Building Standards Administration Special Revolving Fund.

**ARTICLE 5
CITY, COUNTY, AND CITY AND COUNTY BUILDING PERMIT FEES**

1-501. Purpose.

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1-503. Definitions. . . .

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1-505. Fee assessment. . . .

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1-507. Fee collection. . . .

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1-509. Request for refund of fees.

(a) When a city, county or city and county determine that excess fees were paid in error due to a miscalculation, a written request for refund may be filed with the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The request for refund shall be submitted with all of the following:

1. A detailed summary describing the circumstances surrounding the miscalculation that occurred regarding the incorrect submission of fees;
2. Documentation that demonstrates how the amount error occurred, and showing the correct amount;
3. Written certification that the refund amount is accurate and true.

(b) Receipt of a request for refund of fees shall be acknowledged by the California Building Standards Commission in writing within 45 days of receipt. The acknowledgement shall include whether additional supporting documentation is required in order to verify the refund amount.

(c) Should a city, county, or city and county be delinquent in any past quarterly fee submissions, the past due quarterly fee reports and respective payments shall be made current prior to resolution regarding a refund.